

United States District Court, Northern District of Illinois

(9)

Name of Assigned Judge or Magistrate Judge	James B. Moran	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	01 C 6717	DATE	7/8/2003
CASE TITLE	Mary Giles vs. First Franklin Financial etc. et al		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

Memorandum Opinion and Order

DOCKET ENTRY:

- (1) Filed motion of [use listing in "Motion" box above.]
- (2) Brief in support of motion due _____.
- (3) Answer brief to motion due _____. Reply to answer brief due _____.
- (4) Ruling/Hearing on _____ set for _____ at _____.
- (5) Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (6) Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (7) Trial[set for/re-set for] on _____ at _____.
- (8) [Bench/Jury trial] [Hearing] held/continued to _____ at _____.
- (9) This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]
 FRCP4(m) Local Rule 41.1 FRCP41(a)(1) FRCP41(a)(2).
- (10) [Other docket entry] Enter Memorandum Opinion and Order. We enter judgment for plaintiff and against defendant New Look Home Services, Inc. in the amount of \$45,970.50.

(11) [For further detail see order attached to the original minute order.]

No notices required, advised in open court.	No notices required.	number of notices	Document Number
Notices mailed by judge's staff.	Notified counsel by telephone.	JUL 09 2003	
Docketing to mail notices.	Mail AO 450 form.	docketing deputy initials	
Copy to judge/magistrate judge.		date mailed notice	
WAH	courtroom deputy's initials		
		Date/time received in central Clerk's Office	mailing deputy initials
		FILED-10-10-03	

U.S. DISTRICT COURT
CLERK
03 JUL - 8 PM 3:51

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DOCKETED
JUL 09 2003

MEMORANDUM OPINION AND ORDER

Plaintiff has resubmitted her damages claim, following questions raised by the court in its Memorandum Opinion and Order on April 3, 2003. We agree with most of the resubmission, except that we reduce the actual damages to \$22,000. She is entitled to the return of her \$17,000 on the ground that defendant did nothing meaningful and, indeed, caused the remedial work to expand to \$10,200. At least, that is what plaintiff indicates the figures are, and, despite having another opportunity to weigh in, the defendant has failed to do so. But if she recovers the whole \$10,200, and has the painting and roof work done for that amount, then she will have received, for free, a benefit that should reasonably have cost her \$5,200 just for the painting and roof work. She would then be in a better position than she would have been had the contract been performed. We do not know what the electrical repairs should have cost. They are now estimated at \$5,000 for remedial work. So defendant will be required to pay that, without any offset for what it should have cost. But that is the result of not defending. By the same token, by not defending or consulting, defendant has lost the

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opportunity to contest the other amounts claimed. We enter judgment for plaintiff and against defendant New Look Home Services, Inc. in the amount of \$45,970.50.



JAMES B. MORAN
Senior Judge, U. S. District Court

July 8, 2003.